REMARKS

Claims 1-3 are pending and stand rejected. In response, claims 1-3 are canceled and new claims 4-11 are added. Claims 4-11 are pending upon entry of this amendment.

Generally, new independent claims 4 and 9 recite a system and method for delivery of high-performance online multimedia services. The system includes a high-speed backbone coupled to a network, at least two regional servers coupled to the network, and a plurality of caching servers coupled to the regional servers. The backbone receives general content and multicast content. The regional servers provide a second level of caching for the general content, and form customized versions of the multicast content. A caching server provides a first level of caching for the general content, and provides the customized multicast content, to end-user systems in the region served by the regional server to which it is coupled. Support for the new claims is found throughout the specification, including in paragraphs 32, 36, 52, 66-67, 93-96, and 104-108 and the figures.

Claims 1-3 were rejected under various § 102 and § 103 rejections. Below, Applicant addresses the individual rejections as applied to new independent claims 4 and 9.

Rejection based on U.S. Patent 6,101,180 to Donahue et al.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,101,180 to Donahue et al. Donahue generally discloses a method for multicasting, from a local Internet point-of-presence, content that is broadcast over a connection such as a satellite. More specifically, Donahue discloses a host that broadcasts via satellite to a local node (See e.g. 10:66-11:15 and FIG. 2 of Donahue). From the local node, Donahue discloses multicasting the broadcast to multiple receiving computers over the Internet (see 5:27-31). In addition, Donahue

discloses replicating transmissions at the local node with local programming and/or advertising interspersed with the broadcast (see 5:37-41).

However, Donahue fails to disclose a system or method that provides multiple levels of caching of general content, and customized versions of multicast content, as recited by independent claims 4 and 9. Donahue is concerned with real-time broadcasts, and makes no mention of caching. Accordingly, Applicant respectfully submits that independent claims 4 and 9 are not anticipated by Donahue.

<u>Rejection based on "Hearst III, W., Netscape Developer Conference Keynote Address"</u>

Claims 1-3 were rejected under 35 U.S.C. § 102(a) as being anticipated by "Hearst III, W., Netscape Developer Conference Keynote Address, March 7, 1996" ("Netscape"). Applicant respectfully submits that Netscape is not prior art to the claimed invention.

In order to maintain a rejection under § 102(a), a reference must indicate that the claimed invention was known or used **by others**, or described in a printed publication, before the invention thereof by Applicant. See MPEP 2132. "Others," in the context of the statute, refers to an entity which is different from the inventive entity. MPEP 2132 III. Netscape, however, discloses Applicant's own work.

Specifically, Netscape describes the system developed by Applicant on behalf of At Home Corporation. The speaker quoted in Netscape, William Hearst, is identified as the CEO of At Home ("@Home") and it is clear from the context that Mr. Hearst is describing At Home's system. Further, Mr. Hearst references Applicant on page 3, where he says "We've hired one of the best people in the world to build our backbone system, Milo Medine (*sic* "Medin")." Additionally, Applicant unequivocally states that his duties included the "design and

implementation of @Home's network architecture" in paragraph 3 of the Rule 131 Declaration submitted in the instant application on 22 May 2006.

Therefore, Netscape does not indicate that the invention was known by a different inventive entity, or published in a printed publication, prior to Applicant's invention of the claimed subject matter. For at least these reasons, Netscape does not support a rejection under § 102(a).

Rejection based on U.S. Patent 5,892,535 to Allen

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,892,535 to Allen. Allen generally discloses a system for distributing media to one or more distribution networks. The system includes a media server that stores media files, and can stream a media file to subscribers via the distribution network.

However, Allen fails to disclose providing multiple levels of caching of general content, and customized versions of multicast content, as recited by independent claims 4 and 9. Accordingly, Applicant respectfully submits that independent claims 4 and 9 are not anticipated by Allen.

Rejection based on U.S. Patent 5,446,490 to Blahut et al.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,446,490 to Blahut et al. Blahut generally discloses an interactive television with tailored programming. Blahut's system divides a television program into different components, and broadcasts the components on different virtual channels. A particular subscriber's cable box receives the components on the different channels and combines them into a single program.

This technique can be used to send different combinations of program segments to different subscribers.

However, Blahut does not disclose a system or method that provides multiple levels of caching of general content, and customized versions of multicast content, as recited by independent claims 4 and 9. Accordingly, Applicant respectfully submits that independent claims 4 and 9 are not anticipated by Blahut.

Rejection based on Donahue and CTMS-NSIS

Claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Donahue in view of "Cable Modem Termination System – Network Side Interface Specification" ("CTMS-NSIS"). As mentioned above, Donahue does not disclose a system that provides multiple levels of caching of general content and customized versions of multicast content. CTMS-NSIS fails to remedy this deficiency. The latter reference merely discloses a distribution hub (headend) for a data over cable architecture and related components. CTMS-NSIS does not discuss caching and neither teaches nor suggests multiple levels of caching as claimed. Accordingly, Applicant submits that a person of ordinary skill in the art, considering the teachings of Donahue and CTMS-NSIS, would not find the claimed invention obvious.

The dependent claims not mentioned above incorporate the limitations of their respective base claims and are believed allowable for at least the same reasons. Accordingly, Applicant respectfully submits that the pending claims are neither anticipated nor obvious in view of the cited references and request that the application be allowed. Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,

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